

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

UDL3612 – LAND LAW I

(All Sections / Groups)

21 OCTOBER 2017

Reading Time : 9.00 a.m. – 9:15 a.m.

(15 Minutes)

Answering Time: 9:15 a.m. – 12:15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in the question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 5 pages with 4 Questions only.
3. Attempt all questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copy of: (i) National Land Code 1965 (Act 56 of 1965); (ii) Strata Titles Act 1985 (Act 318); (iii) Strata Management Act 2013 (Act 757); and (iv) Land Acquisition Act 1960 (Act 486).
Students are not allowed to lend or borrow statute(s) during the Examination.
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

- (a) With reference to the relevant authorities, justify the importance of identifying whether a particular object is a fixture or chattel.

(10 marks)

- (b) With reference to the relevant statute(s) and case authorities, discuss the following:

- (i) the concept of co-proprietorship practised in Peninsular Malaysia; and
(8 marks)

- (ii) the right to use and enjoy the air space in Peninsular Malaysia.
(7 marks)

(Total: 25 marks)

QUESTION 2

- (a) Jalil has been occupying a piece of state land in Bukit Beruang, Melaka under a temporary occupation licence (TOL) since 1990. The licence had been renewed annually.

In 2000, an old friend of Jalil, Baba asked whether he could occupy a small portion of Jalil's land. Jalil agreed but at the same time, informed Baba that he was not the owner of the land and that he was only a TOL holder. Baba, however, moved in and constructed a house on the land. Jalil made no objection.

In 2005, Jalil discovered that all lands in the area were being disposed of and Jalil applied for alienation of the piece of land that he was occupying.

Jalil's application was approved and he was registered as proprietor of the land only in 2011. Jalil then served a notice to quit on Baba and requested Baba to vacate the land by 30 October 2011. However, Baba ignored the notice. Jalil discovered that Baba had sold the house to Pak Din in 2002 and since then, Baba had been paying a monthly rental of RM150 to Pak Din for the house.

Continued...

Answer the following, treating each separately:

- i) Advise Jalil whether he can allow the occupation of a small portion of the land to Baba?
(3 marks)
 - ii) Advise Baba whether he can sell the house to Pak Din?
(4 marks)
 - iii) If the Land Administrator had refused to approve the alienation, what would be the position of the structure built on the land? Is the government obliged to compensate the occupier for any building that is surrendered together with the land?
(9 marks)
- (b) "A right of way of necessity can only exist where the implied grantee of the easement has no other means of reaching his land. If there is any other means of access to the land so granted, no matter how inconvenient, no way of necessity can arise, for mere inconvenience of an alternative way will not of itself give rise to a way of necessity."

Halsbury's Law of England (4th Ed.) Vol 15.

Examine the above statement with regard to the position of Land Administrator's Right of Way under the National Land Code 1965 by referring to decided cases.

(9 marks)

(Total: 25 marks)

Continued...

Answer either QUESTION 3A or QUESTION 3B**QUESTION 3A**

Mohd Ali Bin Abdullah is the registered proprietor of a piece of land, i.e. Lot 1234. A portion of the issue document of title for Lot 1234 is reproduced below.

<i>DHKK</i>																					
Kanun Tanah Negara Borang 5EK <i>(Jadual Keempat Belas)</i> PAJAKAN MUKIM																					
No. Hakmilik : 178	Cukai Tahunan: RM 128.00																				
<p>Pajakan selama 99 tahun, tempoh berakhir pada 18 April 2107</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Negeri</td> <td style="width: 50%;">: Melaka</td> </tr> <tr> <td>Daerah</td> <td>: Jasin</td> </tr> <tr> <td>Bandar/Pekan/Mukim</td> <td>: Mukim Ayer Molek</td> </tr> <tr> <td>Tempat</td> <td>: KAMPONG BELUKAR MOLEK</td> </tr> <tr> <td>No. Lot</td> <td>: No. Lot 1234</td> </tr> <tr> <td>Luar Lot</td> <td>: 584 Hektar</td> </tr> <tr> <td>Kategori Penggunaan Tanah</td> <td>: Pertanian</td> </tr> <tr> <td>No. Lembaran Piawai</td> <td>: 91-D</td> </tr> <tr> <td>No. Pelan Diperakui</td> <td>: 105648</td> </tr> <tr> <td>No. Fail</td> <td>: PTH: 01/71/1987/0840</td> </tr> </table> <p>Tanah yang diperihalkan di atas adalah dipegang untuk selama tempoh tahun di atas oleh tuan punya pada masa namanya disebut dalam rekod ketuanpunyaan di bawah, tertakluk kepada peruntukan-peruntukan Kanun Tanah Negara, kepada kategori yang dinyatakan di atas dan kepada syarat-syarat nyata dan sekatan-sekatan kepentingan yang dinyatakan di bawah, sebagai balasan bagi pembayaran cukai tahunan yang sewajarnya.</p> <p style="text-align: center;">Dengan perintah Pihak Berkuasa Negeri Didaftarkan pada 19 April 2007</p> <div style="text-align: right; margin-top: 20px;"> T.M.t.t..... Pendaftar </div>		Negeri	: Melaka	Daerah	: Jasin	Bandar/Pekan/Mukim	: Mukim Ayer Molek	Tempat	: KAMPONG BELUKAR MOLEK	No. Lot	: No. Lot 1234	Luar Lot	: 584 Hektar	Kategori Penggunaan Tanah	: Pertanian	No. Lembaran Piawai	: 91-D	No. Pelan Diperakui	: 105648	No. Fail	: PTH: 01/71/1987/0840
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Pelan tanah, bagi maksud pengenalan, adalah diperihalkan pada Borang B1.

SYARAT-SYARAT NYATA

Hendaklah ditanam dengan tanaman buah-buahan sahaja.

SEKATAN-SEKATAN KEPENTINGAN

Tanah ini tidak boleh dipindahmilik atau dipajak dengan apa cara sekali pun dalam tempoh sepuluh tahun dari tarikh mula-mula pemberimilikan. Selepas tempoh tersebut, tidak dibenarkan pindahmilik, digadai, atau dipajak kecuali mendapat kebenaran Pihak Berkuasa Negeri.

Tarikh mula-mula pemberimilikan : -
 No. hakmilik asal (Tetap atau sementara) : -
 No. hakmilik yang terdahulu daripada ini : -
 (jika berlainan daripada di atas)

REKOD KETUANPUNYAAN

MOHD ALI BIN ABDULLAH 1/1bhgn
 No. kp: 570108-01-5605, Warganegara Malaysia
 No.3, Lorong Lubuk Belukar, Kampung Jasin Lama, 77100 Jasin, Melaka

With reference to the issue document of title above, address the issues in each of the independent and separate situations below:-

- (a) Mohd Ali Bin Abdullah has planted rubber trees on the land since the alienation was effected. Advise him on the consequence of his conduct and the possible course of action (including the procedure) by the land administrator.
 (12 marks)
- (b) Assuming the alienation of Lot 1234 was approved on 11 August 2006. Mohd Ali Bin Abdullah now intends to transfer a half undivided share of the land to his son-in-law, Suzuki Yamaha, a Japanese citizen, to jointly develop the land into a housing estate. Advise him on the matter.
 (13 marks)

(Total: 25 marks)

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~ OR ~

QUESTION 3B

- (a) Eliz lives in one unit of condominium at Condominium Cinta Sayang, Melaka. Upon returning from her recent 6 months overseas trip, she notices the following issues:
- (i) The access to her car parking lot is denied by the Management Corporation as her access card to the car park was deactivated. This is due to the non-payment of the maintenance charges despite the written demand by the Management Corporation several months ago.
 - (ii) The water pipe which is embedded in the concrete wall of the corridor outside her unit has burst. It is a service pipe that exclusively serves her unit. Eliz requested the Management Corporation of Condominium Cinta Sayang to repair the pipe but they refused to do so.

Advise Eliz on the legal position on the above matters.

(13 marks)

- (b) With reference to relevant statutory provisions and case law (if any), distinguish between “common property” and “limited common property” in respect of a subdivided building or land.

(12 marks)

(Total: 25 marks)

QUESTION 4

In the light of the case *Pemungut Hasil Tanah, Daerah Barat Daya, Pulau Pinang v Ong Gaik Kee* [1983] 2 MLJ 35 and relevant statutory provisions, analyse the general concept of land acquisition in Peninsular Malaysia and determination of adequate compensation under the Land Acquisition Act 1960 and the latest Land Acquisition (Amendment) Act 2016.

(Total: 25 marks)

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